

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

Donald Richard, et al.,

Plaintiffs,

v.

Case No. 2:13-cv-1013

Gary C. Mohr, et al.,

Defendants.

ORDER

Plaintiffs brought the instant action under 42 U.S.C. §1983 alleging that the retroactive application of Ohio's parole laws and guidelines violated their rights under the Eight Amendment, the Due Process Clause, the Ex Post Facto Clause, and Ohio Rev. Code §5120.021. This action was dismissed on March 5, 2014, for failure to state a claim. The Sixth Circuit Court of Appeals affirmed the dismissal, and the United States Supreme Court denied plaintiffs' petition for a writ of certiorari. On May 10, 2019, two of the plaintiffs filed a motion for relief from judgment pursuant to Fed. R. Civ. P. 60(b)(4) and (6) and 60(d)(3). This matter is before the court on the July 10, 2019, report and recommendation of the magistrate judge recommending that the motion be denied.

The report and recommendation specifically advised that objections to the report and recommendation were due within fourteen days, and that the failure to object to the report and recommendation would result in a waiver of the right to *de novo* review by the district judge and a waiver of the right to appeal the judgment of the District Court. Doc. 25, p. 7. The time period for filing objections to the report and recommendation has expired, and no objections to the report and recommendation have

been filed.

The court agrees with the report and recommendation, and the report and recommendation (Doc. 25) is hereby adopted. The motion for relief from judgment (Doc. 22) is denied.

Date: July 31, 2019

s/James L. Graham  
James L. Graham  
United States District Judge